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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/622,593

10/23/2000

Bo Olsson

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05/21/2004

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EXAMINER

PHAN, JOSEPH T

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/622,593

Applicant(s)

OLSSON ET AL.

Examiner

Joseph T Phan

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, and 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 9 lines 6-10 recite "...when the called subscriber requests a wireless connection to the mobile answer device..."

It is unclear and not known where in applicant's specification supports and enables the method of 'wirelessly connecting'. Page 3 lines 14-24 of applicant's specification merely recites "...establishing a connection to the mobile answer device" Furthermore, examiner suggests replacing "mobile answer device" with "remote answer device" for clarification as using the term "mobile" suggests a "portable or cellular" answering device which is not supported by the specification.

Claim 3 lines 2-3 recite "...the stored information includes one at the calling subscriber in advance stored message..." It is not known and unclear what this claimed limitation is describing or referring to. The claim is generally narrative and indefinite, failing to conform with current U.S. practice. It appears to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Appropriate clarification or correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-10 rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al., Patent #6,333,973.**

Regarding claims 1 and 9, Smith teaches a procedure and method to transmit information in connection with a telephone answering service which is provided by a mobile answer device in a mobile telephone system characterized in the steps:

connecting a calling subscriber to the mobile answer device when a called subscriber can not be accessed and storing information that originates from the calling subscriber on the mobile answer device (col.4 lines 15-49); and

transmitting a text message containing the stored information, in parallel to transmitting recorded speech messages from the calling subscriber, to the called subscriber (col.7 lines 40-56) when the called subscriber requests a wireless connection to the mobile answer device to listen to recorded speech messages (Fig.10, col.8 line 26-col.9 line 5, and col.9 lines 35-43).

Regarding claim 2, Smith teaches the procedure as claimed in claim 1, wherein the stored information includes the calling subscriber's number, which is transferred

automatically to the mobile answer device (Fig.10, col.8 line 26-col.9 line 5, and col.9 lines 35-43).

Regarding claim 3, Smith teaches the procedure as claimed in claim 1, wherein the stored information includes one at the calling subscriber in advance stored message which is transferred automatically to the mobile answer device(Fig.10, col.8 line 26-col.9 line 5, and col.9 lines 35-43).

Regarding claim 4, Smith teaches the procedure as claimed in claim 1, wherein the stored information contains an optional number, which is transferred by the calling subscriber to the mobile answer device(Fig.10, col.8 line 26-col.9 line 5, and col.9 lines 35-43).

Regarding claim 5, Smith teaches the procedure as claimed in claim 1, wherein the text message is connected to an application at the called subscriber's mobile terminal(Fig.7A and Fig.10).

Regarding claim 6, Smith teaches the procedure as claimed in claim 5, wherein the application connects a number with a telephone list(Fig.7A).

Regarding claim 7, Smith teaches the procedure as claimed in claim 1  
Wherein the text message is transmitted by a short text message service(Fig.10, col.8 line 26-col.9 line 5, and col.9 lines 35-43).

Regarding claims 8 and 10, Smith teaches the procedure and method of claims 7 and 9 wherein the short text message is an SMS (Short Message Service) or USSD (Unstructured Supplementary Services Data) (Fig.10, col.8 line 26-col.9 line 5, and col.9 lines 35-43).

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 9:00-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP  
May 12, 2004



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